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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,600	07/22/2003	Francesco Piccone	PF002/2355/US	5834

8253 7590 05/28/2008

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EXAMINER

SAFAVI, MICHAEL

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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05/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/623,600	Applicant(s) PICCONE, FRANCESCO	
	Examiner M. Safavi	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/4/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Applicant's election without traverse of the invention of Group I and the species of Fig. 2 in the reply filed on March 05, 2008 is acknowledged.

Information Disclosure Statement

The information disclosure statement filed May 04, 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein, with respect to the cited foreign patent documents and the non-patent literature document, has not been considered. Further, Applicant has failed to provide a date of publication for the cited foreign patent documents and the non-patent literature document.

Claim Rejections - 35 USC § 112

Claims 1-7 and 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 6-7, it is not clear as to what is being defined by "a plurality of inner support panels disposed within the wall and associated with the wall panels". It is not clear as to how the inner support panels are "associated with" the wall panels? Lines 7-8, "the co-operative interconnection of connector means" lacks antecedent basis within

the claim. It is therefore, not clear as to what is being defined by “the co-operative interconnection of connector means”.

Claim 2, line 2, “support interconnection means of the wall panels” lacks antecedent basis within the claim. It is therefore, not clear as to what is being defined by “between adjacent support interconnection means of the wall panels”.

Claim 3, line 2, “support interconnection means of the wall panels” lacks antecedent basis within the claim. It is therefore, not clear as to what is being defined by “between adjacent support interconnection means of the wall panels”.

Claim 4, line 2, “each elongate support panel” lacks antecedent basis within the claim. It is therefore, not clear as to what is being defined by “each elongate support panel”.

Claim 5, Lines 1-2, “the interconnection means between the wall panels and support panels” lacks antecedent basis within the claim. It is therefore, not clear as to what is being defined by “the interconnection means between the wall panels and support panels”.

Claim 6, it is not clear as to what is being defined by “at least one tensioning panel associated with at least one wall panel and at least one support panel”. How is the tensioning panel “associated with” a wall panel?

Claim 11, lines 7-8, it is not clear as to what is being defined by “a plurality of inner support panels disposed within the wall and associated with the wall panels”. How are the inner support panels “associated with” the wall panels? Lines 8-9, “the co-operative interconnection of connector means” lacks antecedent basis within the claim.

It is therefore, not clear as to what is being defined by “the co-operative interconnection of connector means”.

Claim 12, line 2, it is not clear as to what “wall interconnection means” serves to define. Are the “wall interconnection means” recited at line 2 of claim 12 the same as the “wall interconnection means” introduced at lines 3-4 of claim 1? Line 3, it is not clear as to what “its” refers. Should line 3 of claim 12 be amended to read –disposed along their respective longitudinal edges--?

Claim 13, lines 1-2, “the support interconnection means” lacks antecedent basis within the claim. It is therefore, not clear as to what is being defined by “the support interconnection means”. Line 3, “each support interconnection means” lacks antecedent basis within the claim. It is therefore, not clear as to what is being defined by “each support interconnection means”.

Claim 14, line 2, “the unit measure of width” lacks antecedent basis within the claim. It is therefore, not clear as to what is being defined by “the unit measure of width”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 11, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Piccone '648. Piccone discloses, Fig. 1, a plurality of elongate vertically-extending wall panels 12 interconnected in edge-to-edge relationship *via* suitably configured elongate wall interconnection means 78, 112 along their longitudinal edges to define an outer perimeter wall of formwork assembly; and, a plurality of inner support panels 14, 23 disposed within the wall and associated with the wall panels at selected suitable intervals *via* the co-operative interconnection of connector means provided along the edges of the support panels and complementary support panel connector means 40, 42 provided on the inward-facing surface of the wall panels 12. At least one tensioning panel 34 or 94, (or any of 12), is associated with at least one wall panel 12.

Claims 1-7 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lanc '669. Lanc discloses, Fig. 4A, a plurality of elongate vertically-extending wall panels 10 interconnected in edge-to-edge relationship *via* suitably configured elongate wall interconnection means 18, 14/16 along their longitudinal edges to define an outer perimeter wall of formwork assembly; and, a plurality of inner support panels 20 disposed within the wall and associated with the wall panels at selected suitable intervals *via* the co-operative interconnection of connector means provided along the edges of the support panels and complementary support panel connector

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means 16 provided on the inward-facing surface of the wall panels 10. At least one tensioning panel 30, (or any of 20), is associated with at least one wall panel 10.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Safavi/
Primary Examiner, Art Unit 3637

M. Safavi
May 22, 2008